



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

BJG

Docket No: 5981-99

10 December 1999

15 [REDACTED] USMC

Dear Lieutenant [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 December 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by Headquarters Marine Corps, dated 14 October 1999, a copy of which is attached. The also considered your rebuttal letter dated 3 December 1999 with enclosures.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

In this connection, the Board substantially concurred with the comments contained in the advisory opinion, except they noted you do not assert that the height and weight information on your promotion photograph was incorrect; rather, you allege that you did not realize, until after you had failed of selection, that this information reflected you did not comply with Marine Corps standards. You assert that had you known this, you would have submitted a body fat percentage or lost the necessary weight. You further allege that had you taken a body fat measurement, it would have shown you were within standards. The Board was unable to accept your assertions as to what information would have been reflected on your promotion photograph, had you known you were not in compliance with the height/weight standard. In this regard, the document at enclosure (5) to your letter dated 3 December 1999, showing your body fat percentage was within standards, did not persuade them that you were within standards when your promotion board met on 2 March 1999. In any event, they noted

that you conceded, in your application, that you "did not recognize the discrepancies in [your] record or attempt to correct them" until after you had failed of selection.

In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely, .

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3280 RUSSELL ROAD
QUANTICO, VIRGINIA 22134-5103

5981-99

IN REPLY REFER TO:

1610
MMA-4
14 Oct 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR PETITION FOR FIRST LIEUTENANT [REDACTED]
[REDACTED] USMC

Ref: (a) MMER Request for Advisory Opinion in the case of
First Lieutenant [REDACTED] US
[REDACTED] USMC of 7 Oct 99

1. Recommend disapproval of First Lieutenant [REDACTED] request for removal of his failure of selection.

2. Per the reference, we reviewed First Lieutenant [REDACTED] record and petition. He failed selection on the FY00 USMC Captain Selection Board. He believes material errors, a missing MCI completion certificate and an incorrect height and weight on his promotion photograph, caused his failure of selection. He requests removal of his failure of selection.

3. In our opinion, First Lieutenant [REDACTED] petition is without merit. He provides no evidence that he attempted to provide the MCI certificate to the Board. The photograph with the incorrect height and weight was submitted by First Lieutenant [REDACTED] so he must bear the full responsibility for any incorrect data on the photo. In summary, First Lieutenant [REDACTED] record as it appeared before the Board was complete and accurate. Therefore, we recommend disapproval of his request for removal of his failure of selection.

4. Point of contact is Lieutenant [REDACTED]

[REDACTED]
Lieutenant Colonel, U. S. Marine Corps
Head, Officer Evaluation and
Counseling Section
Officer Assignment Branch
Personnel Management Division